



2013 SENATE BILL 35

1 **AN ACT to amend** 196.485 (1) (ge), 196.485 (3m) (b) 2., 196.491 (3) (a) 1., 196.491
2 (3) (a) 2., 196.491 (3) (a) 3. a. and 196.491 (3) (a) 3. b. of the statutes; **relating**
3 **to:** powers and duties of an electric transmission company and certificates of
4 public convenience and necessity and permits for certain electric generating
5 facilities and high-voltage transmission lines.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 **SECTION 1.** 196.485 (1) (ge) of the statutes is amended to read:
7 196.485 (1) (ge) "Transmission company" means a corporation organized under
8 ch. 180 or a limited liability company organized under ch. 183 that has as its sole
9 purpose the planning, constructing, operating, maintaining and expanding of
10 transmission facilities ~~that it owns,~~ and the providing of transmission service, to

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1 provide for an adequate and reliable transmission system that meets the needs of all
2 users that are dependent on the transmission system and that supports effective
3 competition in energy markets without favoring any market participant.

4 **SECTION 3.** 196.485 (3m) (b) 2. of the statutes is amended to read:

5 196.485 **(3m)** (b) 2. Subject to any approval required under state or federal law,
6 purchase or acquire transmission facilities in addition to the transmission facilities
7 contributed under sub. (5) (b) or purchase or acquire the right to provide
8 transmission service over transmission facilities that it does not own.

9 **SECTION 4.** 196.491 (3) (a) 1. of the statutes is amended to read:

10 196.491 **(3)** (a) 1. Except as provided in sub. (3b), no person may commence the
11 construction of a facility unless the person has applied for and received a certificate
12 of public convenience and necessity under this subsection. An application for a
13 certificate issued under this subsection shall be in the form and contain the
14 information required by commission rules and shall be filed with the commission not
15 less than 6 months prior to the commencement of construction of a facility. Within
16 10 days after filing an application under this subdivision, the commission shall send
17 ~~a~~ an electronic copy of the application to the clerk of each municipality and town in
18 which the proposed facility is to be located and to the main public library in each such
19 county. At the request of such a clerk or main public library, the commission shall
20 also send a paper copy of the application.

21 **SECTION 5.** 196.491 (3) (a) 2. of the statutes is amended to read:

22 196.491 **(3)** (a) 2. The commission shall determine whether an application filed
23 under subd. 1. is complete and, no later than 30 days after the application is filed,
24 notify the applicant about the determination. If the commission determines that the
25 application is incomplete, the notice shall state the reason for the determination. An

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1 applicant may supplement and refile an application that the commission has
2 determined to be incomplete. There is no limit on the number of times that an
3 applicant may refile an application under this subdivision. If the commission fails
4 to determine whether an application is complete within 30 days after the application
5 is filed or refiled, the application shall be considered to be complete. Within 10 days
6 after the commission determines that an application is complete or the application
7 is considered to be complete, the commission shall send an electronic copy of the
8 complete application to the clerk of each municipality and town in which the
9 proposed facility is to be located and to the main public library in each such county.
10 At the request of such a clerk or main public library, the commission shall also send
11 a paper copy of the application.

12 **SECTION 6.** 196.491 (3) (a) 3. a. of the statutes is amended to read:

13 196.491 (3) (a) 3. a. At least 60 days before a person files an application under
14 subd. 1., the person shall provide the department with an engineering plan if the
15 facility is a large electric generating facility ~~or a detailed project plan~~ if the facility
16 is a ~~high-voltage transmission line~~. The engineering ~~or project~~ plan shall show the
17 location of the facility, a description of the facility, including the major components
18 of the facility that have a significant air, water or solid waste pollution potential, and
19 a brief description of the anticipated effects of the facility on air quality, water
20 quality, wetlands, solid waste disposal capacity, and other natural resources. Within
21 30 days after a person provides an engineering ~~or project~~ plan, the department shall
22 provide the person with a listing of each department permit or approval which, on
23 the basis of the information contained in the engineering ~~or project~~ plan, appears to
24 be required for the construction or operation of the facility.

25 **SECTION 7.** 196.491 (3) (a) 3. b. of the statutes is amended to read:

